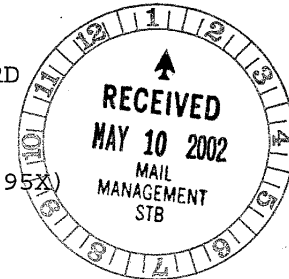


BEFORE THE SURFACE TRANSPORTATION BOARD

Burlington Northern and Santa Fe )  
Railway Co. -- Columbus, KS to ) AB-6 (Sub-no. 395X)  
Carthage, MO )



205380

To: STB Secretary

Re: filing and fee waiver request for one party

Enclosed please find the original and ten copies of a "statement of willingness invoking 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 in connection with this proceeding for both Joplin Trail Coalition (JTC) and City of Carl Junction. Also enclosed please find a check in the amount of \$150 for the filing fee on behalf of JTC.

Since Carl Junction is a local government entity, Carl Junction seeks waiver of any filing fee for railbanking pursuant to 49 C.F.R. § 1002.2(e) (2).

Comments on behalf of  
City of Carl Junction  
and  
Joplin Trail Coalition

DID# 0101943001

These comments are on behalf of City of Carl Junction (Carl Junction), a municipality located on the line at issue in this proceeding, and the Joplin Trail Coalition (JTC), a non-profit in the State of Missouri.

The entire line at issue in this proceeding is suitable for trail and other compatible public uses, including railbanking. Both Carl Junction and JTC supply herewith originals and ten copies of "statements of willingness" pursuant to 49 C.F.R. § 1152.29, invoking the relief provided in 16 U.S.C. § 1247(d) and this Board's regulations (interim trail use/railbanking) in connection with the Missouri portion of the rail corridor (MP 331.23 at State line to MP 315.30 near Carthage).

Public use condition. Carl Junction and JTC also request the imposition of a public use condition pursuant to 49 C.F.R. §

ENTERED  
Office of the Secretary

MAY 13 2002

Part of  
Public Record

FEE RECEIVED 1

MAY 10 2002

SURFACE

FILED

MAY 10 2002

1152.28 and 49 U.S.C. § 10905.

Condition sought: an order barring disposition of rail bridges, trestles, culverts or roadbed materials, other than for public use as a trail or other compatible purposes, for the entire Missouri portion of this corridor, namely MP 331.23 to MP 315.30.

Public importance: the line at issue in this proceeding would make an excellent trail and greenway, inasmuch as it would provide a safe, off-road bicycle commuting and recreational route connecting Carl Junction with Carthage. The extension into Kansas would interconnect with Columbus, serving similar purposes.

Duration: 180 days.

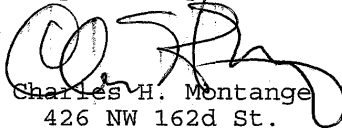
Rationale: Carl Junction and JTC seek to negotiate to acquire all BNSF's interests in the Missouri portion of the corridor pursuant to the federal railbanking statute for interim trail and railbanking purposes. A public use condition barring removal of structures useful for trail purposes is typically granted in such cases. Based on past experience, a period of at least 180 days is required to complete negotiations. In addition, Carl Junction and JTC are advised that a local shortline may be interested in some of the line at the Carthage end for storage (not for actual service to customers). While Carl Junction and JTC are fully prepared to work out joint use (and this may best be accomplished in the circumstances if the entire corridor in Missouri is railbanked), this necessarily will require additional negotiations. Based on conversations with BNSF, counsel for Carl Junction and JTC does not understand anything sought herein to be

contrary to any plans, purposes, or interests of BNSF. Jasper County has already expressed support for public acquisition during the environmental process of this proceeding.

Conclusion

For the reasons stated herein, Carl Junction and JTC request this Board to enter an order applying the federal railbanking statute (16 U.S.C. § 1247(d)) to the Missouri portion of this corridor, namely, MP 331.23 to MP 315.30. Carl Junction and JTC also seek a public use condition as to that portion of the corridor. Carl Junction and JTC support similar relief as to the Kansas portion should any other party (presumably from Kansas) request same.

Respectfully submitted,

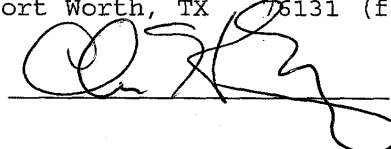
  
Charles H. Montange  
426 NW 162d St.  
Seattle, WA 98177  
(206) 546-1936  
fax: -3739  
for Carl Junction and Joplin  
Trail Coalition

Encls. (one check, two statements of willingness)

cc. Carl Junction  
Joplin Trail Coalition

Certificate of Service

I hereby certify service of the foregoing by US Mail, postage pre-paid, first class, this 9th day of May, 2002, upon Brian Nettles, Freeborn & Peters, 311 South Wacker Drive, Suite 3000, Chicago, IL 60606-6677 (fax: 312-360-6596) and Rich Batie, BNSF, 2600 Lou Menk Drive, 2d Floor, Fort Worth, TX 76131 (fax: 817-352-7938).



BEFORE THE SURFACE TRANSPORTATION BOARD

Burlington Northern and Santa Fe )  
Railway Co., -- Columbus, KS to ) AB-6 (sub-no. 395X)  
Carthage, MO )



Statement of Willingness to Assume  
Financial Responsibility


In order to establish interim trail use and rail banking under 16 U.S.C. 1247 (d) and 49 CFR 1152.29, the Carl Junction (Missouri) ( "City" or "Interim Trail User"), is willing to assume full responsibility for management of, for any legal liability arising out of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Burlington Northern and Santa Fe Railway Company, (Railroad) with respect to that portion of the right-of-way in Jasper County, Missouri. The property extends from MP 331.23 at the State Line (border of Cherokee County, KS and Jasper County, MO) to MP 315.30 near Carthage, Missouri, a distance of approximately 15.93 miles in Jasper County, Missouri.

<sup>1</sup> The right of way is part of a line proposed for abandonment in Docket AB-6 (Sub-no. 395X)

A map depicting the property is attached.

City acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

City of Carl Junction

  
by: Jim Wisdom

title: Mayor

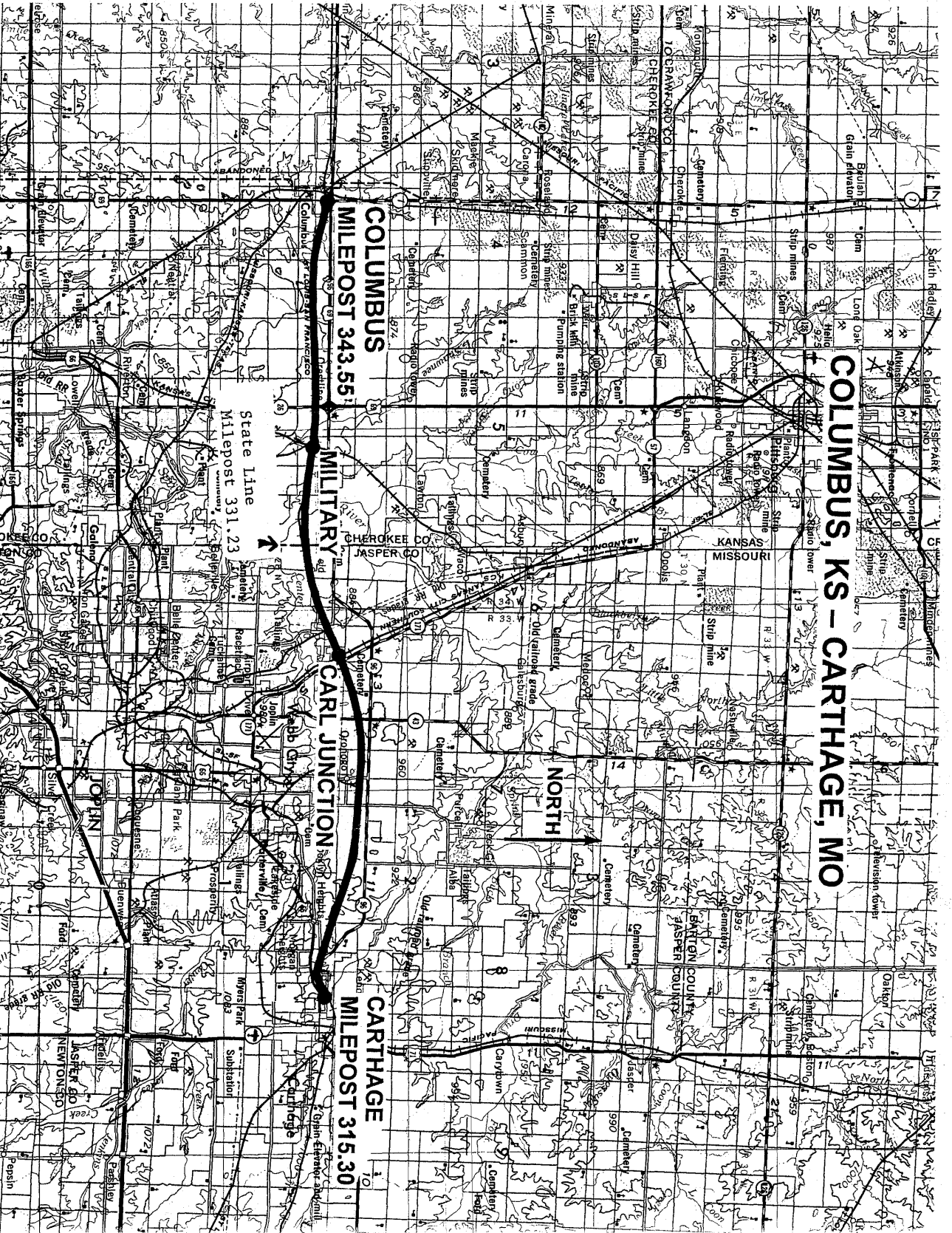
City of Carl Junction

PO Box 447

Carl Junction, MO 64834

Tel: 417-649-7237

<sup>1</sup> The Jasper County segment is a portion of a larger line described as MP 343.55 at Columbus, KS to MP 315.30 near Carthage, MO, a distance of 28.25 miles in Cherokee County, KS and Jasper County, MO.



# COLUMBUS, KS - CARTHAGE, MO

COLUMBUS

MILEPOST 343.55

MILITARY

CARL JUNCTION

CARTHAGE

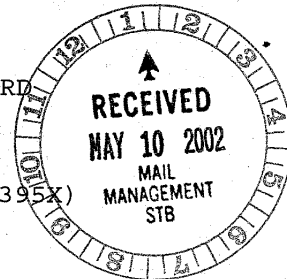
MILEPOST 315.30

State Line  
Milepost 331.23

NORTH

BEFORE THE SURFACE TRANSPORTATION BOARD

Burlington Northern and Santa Fe )  
Railway Co. -- Columbus, KS to ) AB-6 (Sub-no. 395X)  
Carthage, MO )



Statement of Willingness to Assume  
Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, the Joplin Trail Coalition ("Coalition" or "Interim Trail User"), is willing to assume full responsibility for management of, for any legal liability arising out of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Burlington Northern and Santa Fe Railway Company (Railroad) with respect to that portion of the right-of-way in Jasper County, Missouri. The property extends from MP 331.23 at the State Line (border of Cherokee County, KS and Jasper County, MO) to MP 315.30 near Carthage, Missouri, a distance of approximately 15.93 miles in Jasper County, Missouri.<sup>1</sup> The right of way is part of a line proposed for abandonment in Docket AB-6 (Sub-no. 395X).

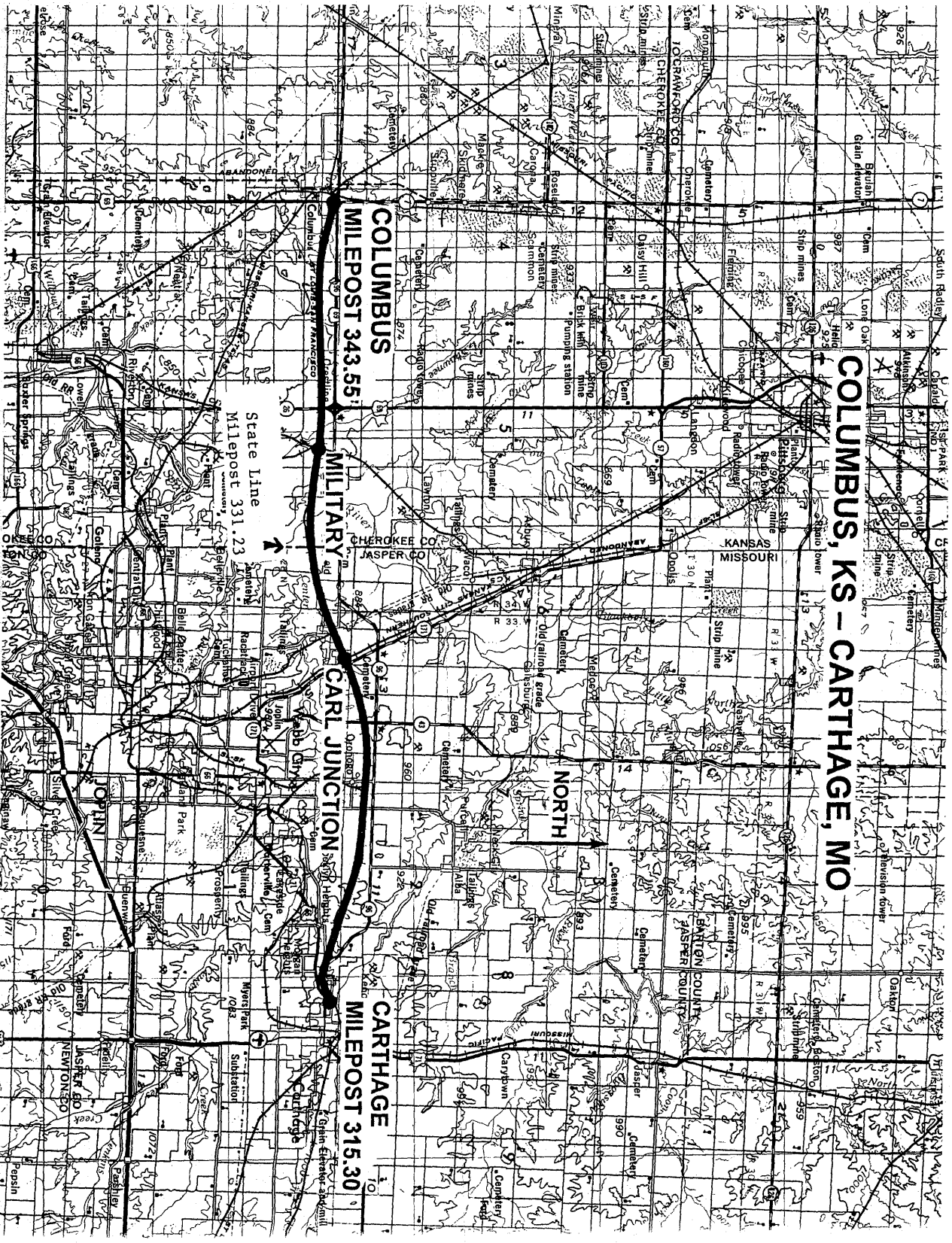
A map depicting the property is attached.

Coalition acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

Joplin Trail Coalition

Paul Teverow  
by: Paul Teverow  
title: President,  
Joplin Trail Coalition  
P.O. Box 2102  
Joplin, MO 64803  
tel: 417-625-3114

<sup>1</sup> The Jasper County segment is a portion of a larger line described as MP 343.55 at Columbus, KS to MP 315.30 near Carthage, MO, a distance of 28.25 miles in Cherokee County, KS and Jasper County, MO.



# COLUMBUS, KS - CARTHAGE, MO

COLUMBUS  
MILEPOST 343.55

MILITARY

CARL JUNCTION

CARTHAGE  
MILEPOST 315.30

State Line  
Milepost 331.23

NORTH